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April 21, 2008

FILE NO.  
26198-131

The Honorable Marilyn Hall Patel  
United States District Judge  
United States District Court for the Northern District of California  
U.S. Courthouse  
450 Golden Gate Avenue  
San Francisco, California 94102-3483

Re: *Christine Dougherty v. AMCO Insurance Company et al.*  
Case no.: C 07-01140 MHP

Dear Judge Patel:

We received the Court's Minute Order following our telephone conference with counsel on Tuesday, April 8. After reviewing the Minute Order, we prepared a proposed form of order that provided more detail concerning the Court's several rulings to attempt to avoid any potential misunderstandings between counsel as to the rulings of the Court. We submitted the proposed form of that order to Ms. Dougherty's counsel for review and comment or to approve as to form. We enclose a copy of that letter and the proposed form of order with this letter.

We received from Ms. Dougherty's counsel the enclosed letter advising that he believes the proposed order is unnecessary and he therefore declined to approve it as to form.

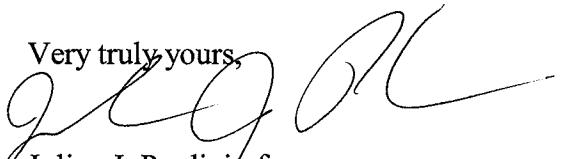
We therefore are submitting the proposed order for the Court's consideration. Again, in an effort to avoid future misunderstandings between counsel regarding the scope of the Court's rulings, the proposed order provides additional detail that we believe accurately reflects the Court's rulings.

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The Honorable Marilyn Hall Patel  
April 21, 2008  
Page 2

We request you review the proposed form of order and, if you believe it appropriate, execute it and cause it to be filed. Thank you for your consideration.

Very truly yours,  
  
Julian J. Pardini of  
LEWIS BRISBOIS BISGAARD & SMITH LLP

Enclosures

cc: Counsel for plaintiff Christine Dougherty  
Stephen M. Murphy  
David M. Porter

## LEWIS BRISBOIS BISGAARD &amp; SMITH LLP

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PHONE: 415.362.2580 | FAX: 415.434.0882 | WEBSITE: [www.lbbslaw.com](http://www.lbbslaw.com)JULIAN J. PARDINI  
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April 14, 2008

FILE NO.  
26198-131**Via Facsimile and U.S. Mail**Jeremy Graham, Esq.  
Law Offices of Stephen M. Murphy  
180 Montgomery Street, Suite 940  
San Francisco, CA 94104  
**Fax: (415) 986-1231**David M. Porter, Esq.  
Law Offices of David M. Porter  
101 California Street, Suite 2050  
San Francisco, CA 94111  
**Fax: (415) 391-9515**Re: *Christine Dougherty v. AMCO Insurance Company*  
U.S. District Court, Northern District of California Case No. C 07 1140 MHP  
(removed from San Francisco County Superior Court, Case No. C04-433301)

Counsel:

I attach/enclose with this letter a proposed order concerning our telephone conference with Judge Patel last week. As you will read, the order includes all of the Judge's rulings during the conference.

If you believe the proposed order needs to be revised before I submit it to the court, please contact me or Mr. Liberatore at your earliest convenience. Otherwise, please execute it signifying you approve it as to form and return it to us for filing with the court.

Thank you for your anticipated cooperation.

Very truly yours,  
  
 Julian J. Pardini of  
 LEWIS BRISBOIS BISGAARD & SMITH LLP

Enclosure

JJP:kdk

cc: Stephen J. Liberatore

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1 **LEWIS BRISBOIS BISGAARD & SMITH LLP**  
2 Julian J. Pardini, Esq. SB# 133878  
3 Stephen J. Liberatore, Esq. SB# 129772  
4 One Sansome Street  
5 Suite 1400, San Francisco, California 94104  
Telephone: (415) 362-2580  
Facsimile: (415) 434-0882  
5 Attorneys for Defendant  
AMCO INSURANCE COMPANY

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

17 On Tuesday, April 8, 2008, at 2:30 p.m., a telephone conference was held to resolve various  
18 discovery disputes between the parties in the above-entitled matter. The Honorable Marilyn Hall  
19 Patel, United States District Court Judge, Northern District of California, presided over the  
20 conference. David M. Porter of the Law Offices of David M. Porter and Jeremy Graham of the Law  
21 Offices of Stephen M. Murphy appeared on behalf of plaintiff Christine Dougherty. Julian J. Pardini  
22 and Rowena C. Seto of Lewis, Brisbois, Bisgaard & Smith LLP appeared on behalf of defendant  
23 AMCO Insurance Company. After discussion and argument by counsel, the Court ruled as follows:

**1. PMK Re Reserves on This Claim.**

25 AMCO shall produce another individual for deposition to testify concerning the following  
26 topic: "All data relied upon by AMCO in setting reserves for Plaintiff's Claim." If it is  
27 determined by the Court that the individual produced is not the Person Most Knowledgeable at  
28 AMCO on this topic, AMCO will reimburse plaintiff her costs and attorney's fees related to

1 conducting this deposition.

2 **2. Colossus Narrative Report.**

3 AMCO will provide a verified statement confirming its efforts to obtain the Colossus  
4 Narrative Report and its unavailability.

5 **3. Redacted Subrogation Information**

6 AMCO will produce the previously redacted information from the claim file (Passport)  
7 notes concerning subrogation.

8 **4. Plaintiffs' Psychotherapist's Information.**

9 Plaintiff will produce plaintiff Christine Dougherty for further deposition on the subject of  
10 her psychotherapy treatment during the pendency of this claim and for reasonable periods of time  
11 before and after the claim. AMCO is entitled to obtain all psychotherapist records related to  
12 treatment by Christine Dougherty during the pendency of this claim and for reasonable periods of  
13 time before and after the claim.

14 **5. Deposition of Mr. Murphy.**

15 AMCO may not conduct the deposition of Stephen Murphy, counsel for plaintiff in this  
16 litigation and during the handling of the underlying claim. Mr. Murphy will not provide testimony  
17 at the trial in this matter.

18 **IT IS SO ORDERED.**

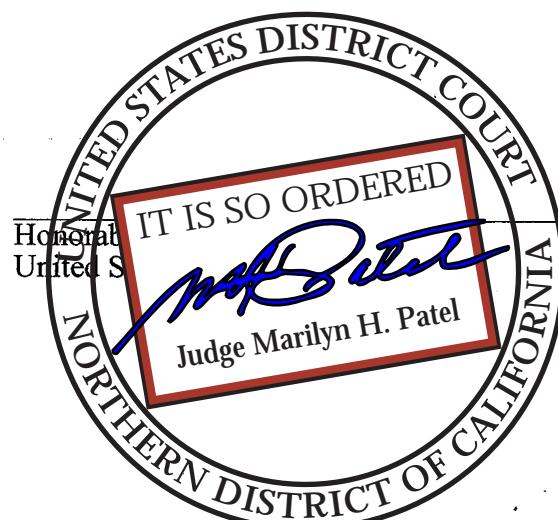
19 May 8, 2008

20 Dated: April       , 2008

21  
22 Approved as to Form:

23  
24 David M. Porter  
25 Attorneys for Plaintiff  
26 Christine Dougherty

27 Julian J. Pardini  
28 Attorneys for Defendant  
AMCO Insurance Company



DAVID M. PORTER  
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April 16, 2008

**VIA FACSIMILE**  
**(415) 434-0882**

Julian J. Pardini  
LEWIS BRISBOIS BISGAARD & SMITH LLP  
One Sansome Street  
Suite 1400  
San Francisco, CA 94104

Re: Dougherty v. AMCO Insurance Company

Dear Mr. Pardini:

In response to your letter from late Monday afternoon, we do not approve of your [Proposed] Order Re Discovery Issues. We believe that Judge Patel's rulings are adequately reflected in her own Order of April 8, 2008.

Very truly yours,  
  
David M. Porter

cc: Stephen M. Murphy

**LEWIS BRISBOIS BISGAARD & SMITH LLP**  
Julian J. Pardini, Esq. SB# 133878  
Stephen J. Liberatore, Esq. SB# 129772  
One Sansome Street  
Suite 1400, San Francisco, California 94104  
Telephone: (415) 362-2580  
Facsimile: (415) 434-0882

Attorneys for Defendant  
AMCO INSURANCE COMPANY

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CHRISTINE DOUGHERTY, ) CASE NO. C 07-01140 MHP  
Plaintiff, )  
) [PROPOSED] ORDER RE DISCOVERY  
) ISSUES  
v. )  
AMCO INSURANCE COMPANY, and DOES )  
ONE through TWENTY, Inclusive, ) Date: April 8, 2008  
Defendant. ) Time: 2:30 p.m.  
 ) Dept.: 15 - Hon. Marilyn Hall Patel  
 )

On Tuesday, April 8, 2008, at 2:30 p.m., a telephone conference was held to resolve various discovery disputes between the parties in the above-entitled matter. The Honorable Marilyn Hall Patel, United States District Court Judge, Northern District of California, presided over the conference. David M. Porter of the Law Offices of David M. Porter and Jeremy Graham of the Law Offices of Stephen M. Murphy appeared on behalf of plaintiff Christine Dougherty. Julian J. Pardini and Rowena C. Seto of Lewis, Brisbois, Bisgaard & Smith LLP appeared on behalf of defendant AMCO Insurance Company. After discussion and argument by counsel, the Court ruled as follows:

**1. PMK Re Reserves on This Claim.**

AMCO shall produce another individual for deposition to testify concerning the following topic: "All data relied upon by AMCO in setting reserves for Plaintiff's Claim." If it is determined by the Court that the individual produced is not the Person Most Knowledgeable at AMCO on this topic, AMCO will reimburse plaintiff her costs and attorney's fees related to

1 conducting this deposition.

2 **2. Colossus Narrative Report.**

3 AMCO will provide a verified statement confirming its efforts to obtain the Colossus  
4 Narrative Report and its unavailability.

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10 her psychotherapy treatment during the pendency of this claim and for reasonable periods of time  
11 before and after the claim. AMCO is entitled to obtain all psychotherapist records related to  
12 treatment by Christine Dougherty during the pendency of this claim and for reasonable periods of  
13 time before and after the claim.

14 **5. Deposition of Mr. Murphy.**

15 AMCO may not conduct the deposition of Stephen Murphy, counsel for plaintiff in this  
16 litigation and during the handling of the underlying claim. Mr. Murphy will not provide testimony  
17 at the trial in this matter.

18 **IT IS SO ORDERED.**

20 Dated: April \_\_\_, 2008

21 Honorable Marilyn Hall Patel  
United States District Court Judge

22 Approved as to Form:

24 \_\_\_\_\_  
25 David M. Porter  
26 Attorneys for Plaintiff  
Christine Dougherty

27 Julian J. Pardini  
28 Attorneys for Defendant  
AMCO Insurance Company